

## **BILL ANALYSIS**

S.B. 232  
By: Hinojosa  
State Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

In 2017, the 85th Texas Legislature enacted S.B. 500, which instituted several ethics reforms designed to build the public's trust in their elected officials and governmental institutions. S.B. 500 prohibited government pensions from being paid to certain public officers convicted of offenses related to public corruption arising from their duties in public office. In addition, for any felony conviction, S.B. 500 made it a requirement for a member of the legislature, the governor, or a statewide elected official to vacate the official's office on the date the conviction became final. This requirement to vacate is currently missing in state law for local elected officials. To that end, S.B. 232 seeks to provide for the automatic removal of a person holding an elected or appointed office of a political subdivision upon pleading guilty or nolo contendere to, receiving deferred adjudication for, or being convicted of, one of several qualifying offenses related to public corruption.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 232 amends the Local Government Code to establish that a person who holds an elected or appointed office of a political subdivision is automatically removed from and vacates the office on the earlier of the date the person enters a plea of guilty or nolo contendere to a qualifying offense, receives deferred adjudication for a qualifying offense, or is convicted of a "qualifying offense," which the bill defines as a criminal offense involving bribery, theft of public money, perjury, coercion of public servant or voter, tampering with governmental record, misuse of official information, abuse of official capacity, or conspiracy or the attempt to commit any of those offenses. The bill requires the governing body of a political subdivision, at the first regularly scheduled meeting of the governing body for which notice is required under state open meetings law following the date an officer of the political subdivision is removed from office, to take either of the following actions:

- order an election on the question of filling the vacancy to be held on the first day that allows sufficient time to comply with other requirements of law, if an election is required to fill the vacancy; or
- if an election is not required, fill the vacancy in the manner provided by law.

These provisions apply only to an officer of a political subdivision who enters a plea of guilty or nolo contendere to, or receives deferred adjudication for or is convicted of, a qualifying offense on or after the bill's effective date.

**EFFECTIVE DATE**

September 1, 2023.